IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

OP.No. 12656 of 2001(F)

PETITIONER:

MRS.SARADHA ARAVINDAKSHAN,
W/O.LATE N.ARAVINDAKSHAN,
DEPUTY GENERAL MANAGER,
INDIAN OIL CORPORATION,
(EMPLOYEE NO.90500, R&P DIVISION)
RESIDING AT 12/570,
VIJAYASREE', PUDIYAMGAM LANE,
PALAKKAD.

BY ADV. SRI.DINESH R.SHENOY
SRI.M.RAVIKUMAR

RESPONDENTS:

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1. THE INDIAN OIL CORPORATION, REP. BY THE CHAIRMAN, INDIAN OIL CORPORATION, SCOPE COMPLEX, CORE II, 7, INDUSTRIAL AREA, LODHI ROAD, NEW DELHI.110 003.

2. THE DEPUTY (PERSONNEL & ADMN.) MANAGER, IOC PIPELINES DIVISION, A1, UDYOG MARG, NOIDA – 201 301.

BY
SRI.A.K.JAYASANKAR NAMBIAR
SRI.E.K.NANDAKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 12656 of 2001(F)

APPENDIX

ORDER ON C.M.P.NO.20156/2001 IN OP.No. 12656 of 2001(F)

CLOSED.

SD/-THOTTATHIL B.RADHAKRISHNAN, JUDGE

12/06/2007

PETITIONER'S EXTS:

EXT.P1 TRUE PHOTOCOPY OF THE POST RETIREMENT MEDICAL ATTENDANCE FACILITY FOR OFFICERS BROUGHT INTO FORCE BY THE 1ST RESPONDENT.

EXT.P2 TRUE PHOTOCOPY OF THE REVISION IN THE POST RETIREMENT MEDICAL ATTENDANCE FACILITY UNDER THE 1ST RESPONDENT DATED 4/9/1998.

EXT.P3 TRUE PHOTOCOPY OF THE OPTION STATEMENT SUBMITTED BY THE PETITIONER'S HUSBAND DATED 2/11/1985.

EXT.P4 TRUE PHOTOCOPY OF THE DEATH SUMMARY ISSUED FROM THE PSG HOSPITAL DATED 20/10/1998.

EXT.P5 TRUE PHOTOCOPY OF THE LETTER SENT BY THE PETITIONER'S DAUGHTER TO THE 2ND RESPONDENT DATED 11/8/1998.

EXT.P6 TRUE PHOTOCOPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 18/10/1998

EXT.P7 TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT DATED 7/1/1999

EXT.P8 TRUE PHOTOCOPY OF THE LETTER DATED NIL ISSUED BY THE FIRST RESPONDENT.

EXT.P9 TRUE PHOTOCOPY OF THE NOTICE ISSUED BY ADVOCATE P.MEGHANA NAIR DATED 8/5/2000.

EXT.P10 TRUE PHOTOCOPY OF THE REPLY NOTICE ISSUED BY M/S.JAGATH ARORA AND ASSOCIATES DATED 7/6/2000.

EXT.P11 TRUE PHOTOCOPY OF THE NOTICE ISSUED BY ADVOCATE DINESH R.SHENOY DATED 13/2/2001.

RESPONDENTS EXTS:

EXT.R2(a) TRUE COPY OF THE APPLICATION FROM THE PETITIONER TO INDIAN OIL CORPORATION LTD., EXERCISING OPTION TO JOIN THE PRMAS AND ITS ACCEPTANCE, DATED 2/11/1985.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 12656 of 2001 (F)

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Dated this the 13th day of June, 2007

J U D G M E N T

The petitioner is the widow of an erstwhile employee of the first respondent, Indian Oil Corporation. After retirement, the petitioner's husband, with his family, settled in Palakkad. The I.O.C had extended Ext.P1 scheme, as amended by Ext.P2, to provide medical facilities to its employees. Those benefits stood extended to the retired employees also in terms of that contract. Thereby, the entitlement to reimbursement was confined to expenditure for treatment within certain metropolitan cities, or hospitals, including referral hospitals, as decided upon and enumerated by the employer. It is not a statutory scheme. It is not one under complusion, under the labour laws. Nor is there any statute under which the Corporation was to provide medical reimbursement.

2. Petitioner's late husband suffered a coronary episode, resulting in his demise. The contention of the petitioner is that there are no hospitals in Palakkad, which could have extended the required medical aid and, therefore, the petitioner's husband was moved to Coimbatore, where he availed the required facility in P.S.G Hospital. But, unfortunately, that is not a referral hospital, going by Exts.P1 and P2. It is also not the case of the petitioner that there was an attempt to have the petitioner's husband treated in a local hospital, which resulted in reference to the P.S.G Hospital. But the uncontroverted fact remains that it was apparently impossible for the petitioner's husband to get appropriate medical aid at Palakkad. It is also abundantly discernible from the fact of his ultimate death that, even with the medical aid available from the P.S.G Hospital, his life could not be saved.

3. It appears that the Corporation had considered the request of the petitioner for reimbursement and granted a particular amount which, however, was well below the total extent incurred. Having regard to the totality of the facts and

circumstances, while it may not be open to the petitioner to establish any statutory or constitutional right, or any right under contract, for any further amount, it appears to be appropriate that the Corporation bestows a second look at the request of the petitioner for further support, by way of reimbursement and, considers releasing further amounts, having due regard to the total amount shown to have been spent for the treatment of the late husband of the petitioner.

For the foregoing reasons, this original petition is disposed of, directing that if the petitioner makes a representation, in the light of the facts stated above, to the competent among the respondents, within a period of one month, a decision shall be taken on that, within a further period of three months.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 12656 of 2001 (F)

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J U D G M E N T

13th June, 2007